

House Bill 890

By: Representatives Drenner of the 86th, Brooks of the 63rd, Orrock of the 58th, Ashe of the 56th, Gardner of the 57th, and others

A BILL TO BE ENTITLED
AN ACT

To amend Article 1 of Chapter 10 of Title 17 of the Official Code of Georgia Annotated, relating to procedure for sentencing and imposition of punishment, so as to provide for enhanced sentences in any case in which the trier of fact determines beyond a reasonable doubt that the defendant intentionally selected any victim or any property as the object of the offense because of the victim's race, religion, gender, national origin, or sexual orientation; to provide an effective date and for applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 10 of Title 17 of the Official Code of Georgia Annotated, relating to procedure for sentencing and imposition of punishment, is amended by striking in its entirety Code Section 17-10-17, relating to sentencing of defendants guilty of crimes involving bias or prejudice, circumstances, and parole, and inserting in lieu thereof the following:

"17-10-17.

(a) Subject to the notice requirement provided in Code Section 17-10-18 and in enhancement of the penalty imposed, if the trier of fact determines beyond a reasonable doubt that the defendant intentionally selected any victim or any property of the victim as the object of the offense because of ~~bias or prejudice~~ the victim's race, religion, gender, national origin, or sexual orientation, the judge imposing sentence shall:

(1) If the offense for which the defendant was convicted is a misdemeanor, increase the sentence and the fine normally imposed by the court through court policy or voluntary sentencing guidelines by 50 percent up to the maximum authorized by law;

(2) If the offense for which the defendant was convicted is a misdemeanor of a high and aggravated nature, increase the sentence and fine normally imposed by the court through court policy or voluntary sentencing guidelines by 50 percent up to the maximum authorized by law; or

1 (3) If the offense for which the defendant was convicted is a felony, increase the
2 sentence normally imposed by the court through court policy or voluntary sentencing
3 guidelines by up to five years, not to exceed the maximum authorized by law.

4 (b) The judge shall state when the judge imposes the sentence the amount of the increase
5 of the sentence based on the application of subsection (a) of this Code section.

6 (c) Any person convicted of a felony and given an enhanced sentence under this Code
7 section shall not be eligible for any form of parole or early release until such person has
8 served at least 90 percent of the sentence imposed by the sentencing court."

9 **SECTION 2.**

10 This Act shall become effective on July 1, 2005, and shall apply to offenses committed on
11 or after July 1, 2005.

12 **SECTION 3.**

13 All laws and parts of laws in conflict with this Act are repealed.